

Message From the Governor

The following message, received from the Governor today, was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,
February 24, 1953.

To the Senate of the Fifty-third Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the State Finance Commission for terms to expire February 1, 1959 (Banking Section): Walter Taylor of Coleman, Coleman County; Frank Spring of Friona, Parmer County; (Building and Loan Section) Lacy Boggess of Fort Worth, Tarrant County.

To be a member of the State Finance Commission to fill the unexpired term of Honorable J. O. Gillham, resigned, term to expire February 1, 1957: Joe Van Cleave of Royse City, Rockwall County.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

Adjournment

On motion of Senator Hardeman, the Senate at 12:14 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

TWENTY-SECOND DAY

(Wednesday, February 25, 1953)

The Senate met at 10:30 o'clock a. m. pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Parkhouse
Ashley	Phillips
Bell	Rogers
Bracewell	of Childress
Colson	Rogers of Travis
Corbin	Russell
Fuller	Rutherford
Hardeman	Sadler
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
Moffett	Willis
Moore	

Absent

Hazlewood

Absent—Excused

Kelley

McDonald

A quorum was announced present.

The invocation was offered by the Reverend W. H. Townsend, Chaplain, as follows:

O God, Our Father, as we face the scattered duties of this day, make this a moment when thy divine presence may be felt, and help us by thy grace to make the words of our mouths acceptable in thy sight. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Kelley was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Senator McDonald was granted leave of absence for today on account of illness on motion of Senator Martin.

Reports of Standing Committees

Senator Fuller submitted the following report:

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 366, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass favorably and be printed.

FULLER, Chairman.

Senator Aikin submitted the following reports:

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 103, have had the same under consideration, and we are instructed to report it back to the Sen-

ate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 119, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 149, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 151, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 152, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 150, have had the same

under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 129, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

AIKIN, Chairman.

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 164, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

AIKIN, Chairman.

Senator Strauss submitted the following reports:

Austin, Texas,
February 24, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 127, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRAUSS, Chairman.

Austin, Texas,
February 24, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 128, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRAUSS, Chairman.

Austin, Texas,
February 24, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 134, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRAUSS, Chairman.

Austin, Texas,
February 24, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 133, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRAUSS, Chairman.

Austin, Texas,
February 24, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 132, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRAUSS, Chairman.

Austin, Texas,
February 24, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 157, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, with Committee Amendment attached hereto, and be printed.

STRAUSS, Chairman.

Senator Moffett submitted the following report:

Austin, Texas,
February 24, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We your Committee on Agriculture, to whom was referred S. B. No. 129, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senator Secrest submitted the following report:

Austin, Texas,
February 25, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We your Committee on Counties and County Boundaries, to whom was referred S. B. No. 179, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass favorably and be printed.

SECREST, Chairman.

Senate Resolution 104

Senator Wagonseller offered the following resolution:

Whereas, Dr. Caleb Perry Patterson, a professor of great distinction at the University of Texas, has brought honor to the State of Texas, to the University of Texas, and to himself; and

Whereas, Dr. Patterson received his A.B. Degree and his M.A. Degree at Vanderbilt in 1911; and

Whereas, He received an M.A. Degree at Harvard in 1916; and

Whereas, He received a Ph.D. Degree at Columbia University in 1923 and a Bachelor of Laws Degree at the University of Texas in 1921; and

Whereas, He has guided many outstanding graduate students through to a Ph.D. Degree with a firm hand but with a gentle heart, and they have gone forth to become some of the most outstanding professors of Government in our State Colleges and Universities; and

Whereas, Dr. Patterson has made numerous contributions to the outstanding Law Reviews in the United States, among them, *The Texas Law Review*, *The Harvard Law Review*, *The Minnesota Law Review*, *The Boston University Law Review*, *The Tulane Law Review*, *The Brooklyn Law Review*, *The California Law Review*, and *The American Bar Association Journal*; and

Whereas, Dr. Patterson has been the editor of numerous scholarly publications; and

Whereas, He has authored such scholarly and learned books as: *History of the Government of Texas*; *American Government*; *The Negro in Tennessee 1790 to 1865*; *American National Government*; *The Adminis-*

tration of Justice in Great Britain; Presidential Government in the United States; and two works that are in the process of publication at the present time: The Schools of Jurisprudence and The Constitutional Principles of Thomas Jefferson; and

Whereas, Dr. Patterson has been the co-author of numerous other scholarly works, and he is the founder of Pi Sigma Alpha, National Scholarship Society in Political Science; and

Whereas, Dr. Patterson is considered by the scholars of Political Science in the United States and abroad to be an outstanding authority on Constitutional Law, The History of the Constitution of the United States, Constitutional Government, and the History of Political Thought, and an eminent authority on Thomas Jefferson and his principles of government; and

Whereas, Dr. Patterson is a true patriot and a great citizen of the State of Texas, and he has been a wholesome influence in the lives and in the thinking of his many students and many friends; and

Whereas, It is the desire of the Senate of the State of Texas to recognize and pay tribute to Dr. Caleb Perry Patterson for his outstanding and distinguished contributions and services in the realm of higher education; and

Whereas, It is our desire to honor him today for his long service to the State of Texas, and to the University of Texas as a professor of great distinction; now, therefore, be it

Resolved, That a copy of this resolution be sent to Dr. Caleb Perry Patterson, and that a copy be also sent to each member of his immediate family and to the President and Chancellor of the University of Texas; and be it

Resolved, That when the Senate adjourns today it do so in his honor.

WAGONSELLER

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bell, Bracewell, Colson, Corbin, Fuller, Hardeman, Hazlewood, Kazen, Kelley, Lane, Latimer, Lock, Martin, McDonald, Moffett, Moore, Parkhouse, Phillips, Rogers of Childress, Rogers of Travis, Russell, Rutherford, Sadler, Secrest, Shireman, Strauss, Weinert, Willis.

The resolution was read.

On motion of Senator Hardeman

the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Bill on First Reading

The following bill was introduced, read first time and referred to the committee indicated:

By Senator McDonald:

S. B. No. 180, A bill to be entitled "An Act providing for the issuance of interest-bearing time warrants by public junior college districts for the purpose of purchasing school buses, shop equipment, science equipment, athletic equipment, typewriters, adding machines, office equipment, library books, and other like equipment, landscaping of school grounds, and athletic fields; limiting such interest-bearing time warrants not to exceed one-third of one percent (1%) of assessed valuation of such district, and not to exceed a total of \$100,000.00 under this Act. Providing for the approval of such interest-bearing warrants by two-thirds of entire board members, or Board of Directors, Board of Regents, validating interest-bearing time warrants heretofore issued by junior college districts which have been issued for school buses, shop equipment, science equipment, athletic equipment, typewriters, adding machines, office equipment, library books, and other like equipment, landscaping of school grounds and athletic fields. Providing that if any portion of the act is held unconstitutional it shall not affect the validity of any portion thereof, repealing all laws or parts of laws in conflict herewith and declaring an emergency."

To the Committee on State Affairs.

House Bill 68 on Second Reading

Senator Ashley moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 68 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Corbin
Ashley	Fuller
Bell	Hardeman
Bracewell	Hazlewood
Colson	Kazen

Lane	Rogers of Travis
Latimer	Russell
Lock	Rutherford
Martin	Sadler
Moffett	Secrest
Moore	Shireman
Parkhouse	Strauss
Phillips	Wagonseller
Rogers	Willis
of Childress	

Absent

Weinert

Absent—Excused

Kelley McDonald

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 68, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to transfer tuberculosis patients from the Weaver H. Baker Tuberculosis Sanatorium to other facilities and to the Legion Sanatorium, a part of the Veterans Administration Hospital, Kerrville, Texas; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 68 on Third Reading

Senator Ashley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 68 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

Absent

Phillips Weinert

Absent—Excused

Kelley McDonald

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moore
Ashley	Parkhouse
Bell	Rogers
Bracewell	of Childress
Colson	Rogers of Travis
Corbin	Russell
Fuller	Rutherford
Hardeman	Sadler
Hazlewood	Secrest
Kazen	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
Moffett	

Absent

Phillips

Absent—Excused

Kelley McDonald

House Bill 147 on Second Reading

Senator Bell moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 147 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Ashley	Parkhouse
Bell	Rogers
Bracewell	of Childress
Colson	Rogers of Travis
Corbin	Russell
Fuller	Rutherford
Hardeman	Sadler
Hazlewood	Secrest
Kazen	Shireman
Lane	Strauss
Latimer	Wagonseller
Martin	Weinert
Moffett	Willis

Absent

Lock Phillips

Absent—Excused

Kelley McDonald

(Senator Martin in Chair.)

The presiding officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 147, A bill to be entitled "An Act amending Article 5541, Revised Civil Statutes, 1925, as amended by the Acts of 1951, 52nd Legislature, page 315, Chapter 192, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 147 on Third Reading

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 147 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Parkhouse
Ashley	Phillips
Bell	Rogers
Bracewell	of Childress
Colson	Rogers of Travis
Corbin	Russell
Fuller	Rutherford
Hardeman	Sadler
Hazlewood	Secrest
Kazen	Shireman
Lane	Strauss
Latimer	Wagonseller
Martin	Weinert
Moffett	Willis
Moore	

Absent

Lock

Absent—Excused

Kelley

McDonald

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senator Hardeman asked to be recorded as voting "nay" on final passage of H. B. No. 147.

House Bill 34 on Second Reading

Senator Fuller moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 34 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
Moffett	Willis

Absent—Excused

Kelley

McDonald

(Senator Lane in Chair.)

The presiding officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 34, A bill to be entitled "An Act to amend Chapter 6, Acts of the 43rd Legislature, First Called Session, 1935, as amended by Section 1 of Chapter 337, Acts of the 48th Legislature, 1943, and by Section 1 of Chapter 338, Acts of the 45th Legislature, 1945, the same being codified as Article 2654b-1 of Vernon's Civil Statutes, by adding thereto a new provision, to be known as Section 5, exempting all persons who have served, who are now serving, or who may hereafter serve in the armed forces of the United States of America during the present national emergency, and exempting children of any of the above-named persons who may be killed in action or die while in the service, from the payment of certain dues, fees and charges, and declaring an emergency."

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend H. B. 34 by adding the words "except those in the regular corps or establishments" after the word "America" in line 36 of the printed bill.

MARTIN
HARDEMAN

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend H. B. 34, printed copy, by adding after the word "emergency" in line 37, the following sentence:

"But provided that the benefits conferred here shall apply only to the regular four years of college work only, and shall not apply to any graduate schools or courses nor postgraduate courses."

MARTIN
HARDEMAN

The amendment was adopted.

On motion of Senator Martin, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to third reading.

House Bill 34 on Third Reading

Senator Fuller moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 34 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kazen
Ashley	Lane
Bell	Latimer
Bracewell	Lock
Colson	Martin
Corbin	Moffett
Fuller	Moore
Hardeman	Parkhouse
Hazlewood	Phillips

Rogers	Secrest
of Childress	Shireman
Rogers of Travis	Strauss
Russell	Wagonseller
Rutherford	Weinert
Sadler	Willis

Absent—Excused

Kelley McDonald

The presiding officer then laid the bill before the Senate on its third reading and final passage.

(Senator Martin in Chair.)

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moore
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Rutherford
Hazlewood	Sadler
Kazen	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
Moffett	Willis

Absent—Excused

Kelley McDonald

Adjournment

On motion of Senator Hardeman, the Senate at 11:10 o'clock a. m. adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of
Captain Alfred Schlafli

Senator Weinert offered the following resolution:

(Senate Resolution 103)

Whereas, The Supreme Master of the universe, in His divine wisdom has seen fit to call from his earthly labors Captain Alfred Schlafli of Seguin, Texas; and

Whereas, "Cap." Schlafli was born in Berne, Switzerland, on April 6, 1882, and came to America in 1899; and

Whereas, He attended the University of Pennsylvania from which school he received a degree as a Civil Engineer; and

Whereas, "Cap." Schlafli moved to Guadalupe County in the year 1928 as resident engineer for the Texas State Highway Department, which position he held at the time of his death; and

Whereas, He was past department commander of The American Legion, and active in the affairs of that organization; and

Whereas, "Cap." Schlafli was held in the highest esteem by the citizens of Guadalupe County and the State of Texas and his passing is regretted and mourned by a large circle of friends; and

Whereas, He is survived by his wife, Mrs. Alfred Schlafli, one son and one daughter; and

Whereas, It is the desire of the Senate of Texas of the Fifty-third Legislature to pay tribute to the memory of this outstanding citizen of Texas; now, therefore, be it

Resolved, That as an expression of our sympathy and as a tribute to the useful life of this distinguished gentleman that an enrolled copy of this resolution be mailed to the surviving members of the family; and be it further

Resolved, That when the Senate of Texas adjourns today that it do so in memory of "Cap." Schlafli.

The resolution was read and was adopted by a rising vote of the Senate.